

**AMENDMENTS TO THE DRAWINGS**

The attached drawing sheet includes Fig. 4A. Please insert new FIG. 4A after FIG. 4.

Attachment: New Drawing Sheet

### **REMARKS**

Claims 8-10, 15-19 and 21-23 were pending in this application. Claims 8 and 22 been amended. Claims 16-19 have been canceled. Claim 24 has been added. The specification has been amended to clarify certain language.

New FIG. 4A is submitted herewith. No new matter has been added. Support is described below.

Applicant and his attorney, Jason Bernstein, thank the Examiner and Primary Examiner Mosser for their time for the telephone interview held with Mr. Bernstein on August 13, 2009, and for their comments and suggestions.

## ARGUMENTS

Regarding the rejections under Section 112 ¶1, Applicant responds as follows.

Regarding Claim 8, “providing a plurality of three-dimensional images...”, Applicant has revised the language to more clearly point out the claimed element. Support in the specification is at ¶¶33, 37, 74 and 75. For example, in ¶37, the construction of three dimensional images is described in detail and how they are attached to the page.

Regarding Claim 15, “plurality of three-dimensional representations of pause points...”, support is at ¶75, 77, 79, and 81. For example, ¶77 discusses the pause point count length region 84. New FIG. 4A shows a particular example of a pause point region 84 (see also FIG. 4, element 84). ¶79 (referring to FIG 9A) states “The Student S looks at the upper left corner of page 23 and identifies the count of the pause point count length 84 of the punctuation word/symbol 87. S/he says, ‘The count is [pause point count length 84]’ (block 306).”

Regarding Claim 16-19, these claims have been cancelled.

Regarding Claims 22 and 23 “three-dimensional pause symbol...”, support is at 33, 37, 74 and 75.

Regarding Claims 18 and 19 “...visual indicia...”, and “...stylized eye...”, this refers to eyes 94, shown in FIGS. 4 and 4A and discussed at ¶¶33, 75 (as amended), 77 (as amended), 80, 81, and FIG. 9A block 308.

Support for the subject matter of Claim 24 is shown in the following Table 1. The cites to the specification throughout this Response are intended to be exemplary only and are not intended to be and exclusive or exhaustive listing of support.

TABLE 1

Claim 24 Element	Part #	Cite to spec (§), Fig. # and/or block #
24. An apparatus for teaching dyslexic individuals punctuation concepts, comprising:		
a. a sheet of material;	Page 23	¶33, 74
b. at least one set of <u>punctuation symbols</u> which is raised from said sheet, said set of punctuation symbols comprising at least one symbol representing a standard punctuation mark for a given language;	Raised large symbol display 40/punctuation symbol/mark 88	¶38, 74
c. at least one <u>three-dimensional pause symbol</u> , each pause symbol being proximate to and associated with a set of punctuation symbols;	Structural graphic image (region) 34	¶33, 37, 74, 75
d. at least one <u>pause point count length region</u> comprising	Region 84	¶77, 79, 81
at least one <u>pause marker</u> defining a set, wherein each pause marker represents a length of time to pause, and each set of pause markers are correlated to the normal length of pause associated with the particular punctuation symbol with which said set of pause markers is associated; and,	Stop block symbol 86	¶75
e. a <u>movable marker</u> slidingly associated with said sheet,	Moveable eye marker loop 95	¶33, 75, 80
said marker having <u>visual indicia</u> associated therewith for drawing a user's attention to a set of said pause markers and other visual indicia on said sheet,	Eyes 94	¶33, 80, 81
wherein said punctuation symbols, pause symbols, and pause markers are associated with said sheet of material, and,		¶74
wherein one set of punctuation symbols, one set of pause markers and at least one pause symbol comprises a unit such that a user can <u>tactilely feel and visually see</u> a raised punctuation symbol and associated set of pause markers indicating an appropriate number of pause length, and can move said eye marker toward a first unit and can see said punctuation symbol to experience a multisensory awareness of what said punctuation symbol represents and the appropriate length of time to pause during reading, and when the user moves said eye marker toward a second unit the user experiences a multisensory awareness of the punctuation symbol contained in such second unit.		¶78, Fig. 9A block 304

Similar citations apply to the wording added to the other claims presently amended.

Accordingly, Applicant respectfully submits that the specification is presently enabling of the invention as claimed and that the noted rejections are overcome as support has been shown.

Claims 8-10 and 15 stand rejected under Section 103(a) as being unpatentable over Soto in view of Davis. Davis discloses a method of teaching children using methods of multisensory stimulation of student to address the needs of dyslexic students and encourage more efficient learning. Applicant also uses multisensory stimulation, the general concept of which has been known for many years. The difference between Davis and the present disclosure is how such

methods are embodied and used. Different apparatus or devices can have a significant impact on learning effectiveness.

Davis teaches the use of clay as a medium. During a particular learning session students use the clay to mold three dimensional representations of letters and punctuation marks (see Davis, pp. 203, 205, 207). The physical handling and manipulation of the clay is designed to stimulate the tactile and visual senses. The letters are laid out on the table and the teacher uses them as noted in the document. At the end of the session the clay is put away for the next session. At the same student's next session, the clay would again be provided and the letters again be molded.

With regard to punctuation, after the student molds a particular punctuation symbol out of clay, Davis requires the teacher to go to a pronunciation key in a grammar book (p. 208) or dictionary (p. 209) and to go to magazines or other printed material to point out the contextual use of the punctuation symbol. Davis does not disclose, teach or suggest the multimodal and multisensory approach of the presently claimed invention. For example, Davis does not disclose using stop blocks to represent units of pause. Since punctuation is an abstract concept and (often) represents a length of time for which the reader is to pause (though some punctuation, e.g., an exclamation point or question mark, is also used for vocal inflection and presence), the present disclosure renders the concept more understandable by creating several visual representations of the concept. For example, the pause markers 86 (Claim 8r) define a relative length the student is to pause when a particular punctuation symbol is encountered, such as two lengths of pause for a dash, semicolon or ellipses or four pause lengths for a colon or exclamation point. The three dimensional pause symbols 34 further reinforce the need to stop for a duration of time.

In use the apparatus and method of the present invention can be taken with the student (in book form) and set up and reused more efficiently than the need for a block of clay to be molded during each session. In addition, the use of the three dimensional aspects provides the visual stimuli needed to make the association between the concept (e.g., a semicolon) and the necessary meaning (pause) and action (pause for two counts). The present invention also provides an apparatus and method which enables a student to have a consistent and reproducible guide for how to remember and reinforce the punctuation symbols. In contrast, Davis uses the clay, magazines and pronunciation dictionary, but does not present a methodology for helping the

student visually and tactilely create a context for understanding and remembering such abstract concepts. The same is true in the present invention for abstract words which a student needs to understand, e.g. THE, NOT, ON, OFF, etc.).

Furthermore, neither Davis nor Soto, alone or in combination, disclose, teach or suggest using a movable eye marker in combination with the raised punctuation symbol, pause markers and pause symbol so that the student can use the marker to move along a page having these components. Davis discloses the common practice of using two sheets of paper to hide all lines of text below the line to be read and to hide all words to the right of the words to be read so that the student's eye movement is forced to follow just that line of text. In contrast, the movable eye marker of the present invention is an elongated loop of material with visual indicia on it to draw the reader's attention and to enable the reader to move the eye marker to particular points on a page, rather than an entire line. The present invention uses the eye marker to focus the reader on the punctuation symbol, pause markers and pause symbol so that the reader stops at the particular punctuation symbol for the intended length of time. The use of two sheets of paper would not conveniently enable the user of the present invention to see the context of the pause-teaching aspects. Further, the eye marker of the present invention is integrated with the apparatus and can be retained on the particular page for reuse.

Claims 16, 17 22 and 23 stand rejected under Section 103(a) as being unpatentable over Soto in view of Davis and further in view of Brown and Smith. Claims 16 and 17 have been cancelled. Brown is cited as teaching punctuation concepts and pause lengths. Brown teaches that the "children are often told to pause at a comma while they might count one..." The present invention does not rely on merely the auditory instruction of the teacher telling the student to pause. Rather, the present invention uniquely creates a visual and tactile sensing apparatus and method by which students can more tangibly see and feel the pause length concept (and audibly reinforce it as they repeat the count length [see specification at ¶78 referring to Fig. 9A block 304] and the discussion of the pronunciation guide 48 at ¶42).

Smith teaches the use of repeating intonations of bells on a record. This may provide an auditory sense stimulation, but it does not provide the multisensory approach of the present invention. Further, the use of Smith's recorded bells and Davis' teaching the instructor to count pauses does

not, individually or in combination, render obvious the claimed combination of elements which provides visual, tactile as well as auditory stimulation. Again, Applicant does not seek to claim as novel the concept of using different senses per se, rather, it is the particular combination of elements in the apparatus and the steps in the method using the apparatus which are novel and nonobvious.

Claim 21 is rejected under Section 103(a) as unpatentable over Soto in view of Davis and further in view of Huffstetter. Huffstetter discloses a fixed track 29 using a pointer 36 to move from one line 14 to another line 14, thus drawing the eye's attention to the words behind the pointer. In contrast, the present invention provides an eye marker which is not fixed in a specific track but rather can move horizontally and vertically in a free manner. The horizontal band 96 (see FIGS. 4 and 4A, and ¶33 of the present disclosure) acts as a "keeper" to allow movement of the eye marker 94 but prevent it from falling off the page 23 and out of the book. It would not have been obvious to create such a movable marker 94 from the slot and pointer of Huffstetter.

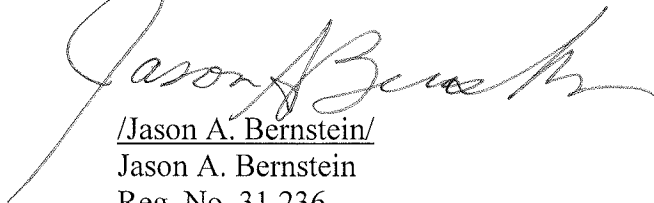
Accordingly, the invention as presently claimed is not obvious over the cited combinations of references.

**CONCLUSION**

Applicant submits that the patent application is in condition for allowance and respectfully requests such action. If the Examiner has any questions that can be answered by telephone, please contact the undersigned attorney of record at the telephone number listed below.

Respectfully submitted,

BARNES & THORNBURG LLP



/Jason A. Bernstein/  
Jason A. Bernstein  
Reg. No. 31,236

3343 Peachtree Road, N.E.  
Suite 1150  
Atlanta, GA 30326-1428  
(404) 264-4040  
(404) 264-4033 (fax)  
[jason.bernstein@btlaw.com](mailto:jason.bernstein@btlaw.com)